

REMARKS

Prior to the present amendments, claims 53, 90-93, 95, 96 and 102-128 were pending. With this Response, claim 95 has been amended, claims 126-128 have been canceled, and claims 129-179 have been added. Thus, claims 53, 90-93, 95, 96, 102-125, and 129-179 are presently at issue.

Summary of Examiner Interview

The undersigned Attorney would like to thank the Examiner for the telephone interview conducted on May 11, 2009 at approximately 3:00 p.m. EDT. During the telephone call with the Examiner, the substance of the claim amendments was discussed and the Examiner indicated that none of the amendments made by Applicant in this amendment appear to be objectionable. However, no agreement was reached and the Examiner indicated that she would review the present Response, once filed.

Allowable Claims and Subject Matter, Amendments and New Claims

In the Office Action, the Examiner allowed claims 53, 90-93 and 102-112.

Claim 95 has been amended herein to incorporate subject matter indicated by the Examiner as establishing allowability for claim 53. With the addition of such limitations, claim 95 and all claims dependent thereon (i.e., claims 96 and 113-125) should be allowable.

Likewise, claims 129-179 have been added, including independent claims 129, 137, and 160, which incorporate like limitations of allowable claim 53 or amended claim 95, plus some additional limitations. Specifically, independent claim 129 differs from allowable claim 53 as follows (the strike-through text has been deleted and the underlined text has been added):

A computer system for creating a leveraged exchange traded product comprising a leveraged portfolio of securities, the system comprising:

a computer memory comprising a set of ~~user~~ defined criteria and a computer database containing data representing characteristics of a plurality of securities; and

a processor for selecting at least two of the securities for inclusion in the leveraged exchange traded product based on market capitalization data contained in the database, the processor weighting the selected securities within the exchange traded product based on the set of ~~user~~ defined criteria;

wherein the leveraged exchange traded product is configured for trading of shares of the leveraged exchange traded product at a real time determined price of the shares related to the underlying price of each of the selected securities comprising the leveraged exchange traded product and related to the respective weightings of the selected securities, and wherein the leveraged exchange traded product is open ended.

Furthermore, independent claims 137 and 160 include like limitations of amended claim 95 plus some additional limitations. All other claims within claims 129-179 depend upon one of these three added independent claims. Thus, claims 129-179 should all be allowable as well.

All other rejected claims, including claims 126-128, have been canceled.

CONCLUSION

Applicants request entry of the present amendments, examination of the pending claims, and allowance thereof. The Commissioner is authorized to charge any fee deficiency, or credit any overpayments, to Deposit Account No. 502261. The Examiner is invited to contact the undersigned if the Examiner believes an additional telephone conference would expedite allowance of the present application.

Respectfully submitted,

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